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Report of the Secretary-General on children and armed conflict in Sri Lanka

Summary

The present report is the fourth report of the Secretary-General on children and armed conflict in Sri Lanka, prepared pursuant to Security Council resolutions 1612 (2005) and 1882 (2008). It covers the period from 1 February 2009 to 30 June 2011 and provides information on the prevailing situation in Sri Lanka, on the progress achieved and on compliance with commitments to end the grave violations and abuses that occurred during the final months of the conflict in early 2009. It also provides follow-up to the conclusions reached by the Working Group on Children and Armed Conflict on 13 June 2007 (S/AC.51/2007/9), 21 October 2008 (S/AC.51/2008/11) and 3 June 2010 (S/AC.51/2010/2).

The report points to advances made by the national authorities before and since the declaration by the Government of Sri Lanka that the conflict in the country had ended in May 2009. In particular, it highlights the progress achieved in separating children from Tamil Makkal Viduthalai Pulikal (TMVP) and Liberation Tigers of Tamil Eelam (LTTE) and in reintegrating them into society, as requested by the Security Council in its conclusions and as spelled out by the Special Envoy of the Special Representative of the Secretary-General for Children and Armed Conflict, Major General (retd.) Patrick Cammaert. It details the efforts undertaken by the Government with the support of the United Nations to trace children who were separated from their parents in the final stages of the conflict and addresses the need to further such efforts.

The report also discusses a number of concerns, the primary of which are the need to establish accountability for the recruitment and use of children by remnants of TMVP and to locate missing children. It outlines a series of credible allegations made by the parents of children who are missing or who were killed during the final phase of the conflict.

The report contains a series of recommendations on strengthening the commendable efforts undertaken by the Government on behalf of children formerly associated with TMVP and LTTE and encourages the Government to investigate violations and to continue to address outstanding protection issues with regard to children affected by the conflict.

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I. Introduction

1. The present report is the fourth report of the Secretary-General on children and armed conflict in Sri Lanka, prepared pursuant to Security Council resolutions 1612 (2005) and 1882 (2008). It covers the period from 1 February 2009 to 30 June 2011 and provides information on the prevailing situation in Sri Lanka, on the progress achieved and on compliance with commitments to end the grave violations and abuses that occurred during the final months of the conflict in early 2009. It also provides a follow-up to the conclusions reached by the Working Group on Children and Armed Conflict, on 13 June 2007 (S/AC.51/2007/9), 21 October 2008 (S/AC.51/2008/11) and 3 June 2010 (S/AC.51/2010/2).

II. Political, military and social situation

2. On 19 May 2009, after announcing the death of the leader of the Liberation Tigers of Tamil Eelam (LTTE), Velupillai Prabhakaran, the Government declared victory over LTTE, signalling the end of the 26-year-long armed conflict. The first five months of 2009, which preceded the end of the war, witnessed a steady deterioration of the security situation in the north of the country. LTTE prevented civilians from fleeing the zones under its control and opened fire against those attempting to leave. During that period, the Sri Lankan security forces continued their advance into LTTE-controlled areas, establishing three "no fire zones" for the protection of civilians. As the security forces advanced and LTTE retreated, the population was displaced several times and the "no fire zones" were gradually constricted. On 21 January the "no fire zones" covered 35.5 km^2, in which at least 303,000 persons were trapped; on 12 February, approximately 300,000 persons were present within 14 km^2; and on 8 May 2009, up to 100,000 persons were trapped within a few km^2.

3. Following the end of the fighting in May 2009 and the Government's declaration that the conflict had ended, the focus turned to assisting 280,000 internally displaced persons. The internally displaced persons, an estimated 34 per cent of which were under the age of 18, were confined in camps but received food rations and access to water, sanitation and health-care services, which were provided, to the extent possible, by the Government. The majority of the internally displaced persons experienced restricted freedom of movement for eight months, until December 2009. Although as many as 41 camps had been established for internally displaced persons in 2009, the majority of the internally displaced persons were originally accommodated in the Menik Farm camp, which, at its highest capacity, sheltered at least 250,000 persons. The United Nations considered that restoring freedom of movement was a matter of urgency and that it was necessary for the Government to comply with its commitments under international law. In December 2009, the Government implemented a pass system allowing internally displaced persons in the camps to obtain permits to exit and remain outside the camps for periods ranging from 1 to 10 days.

4. The internally displaced persons were generally not allowed to leave the camps permanently until their areas of origin had been deemed by the Government to be mine-free and had been "opened" for return. Alternatively, it was possible for them to depart if they had found a host family with whom they could stay. The return process began in August 2009, and as of end June 2011, the number of

persons remaining in the camp was 11,534, 34 per cent of whom were under the age of 18.

5. During 2010, the security situation in the country stabilized, gradually moving towards early recovery. However, the need for humanitarian assistance in the north remained critical, and meeting the humanitarian needs of the internally displaced persons continued to be a challenge. In the north, particularly in the districts of Mullaittivu and Kilinochchi, which were the epicentres of the conflict, there continued to be a heavy military presence, with fixed military posts and checkpoints, and day and night patrols. Since May 2009, the re-establishment of civil administration has been slow, and many key Government officers have yet to be appointed.[1] However, according to the Government, the military presence has been gradually reduced, allowing an emergent civil administration to develop infrastructure facilities, depending on the availability of physical and human resources.

6. At the beginning of 2010, there were 109 Government child protection officers dedicated to working with a population of approximately 40,000 vulnerable children in the Vanni.[2] The number of officers slowly increased to 191 by the end of 2010, with support provided by international organizations to fill in the gaps in services. Although services for children are developing, the long-term recovery of children and their families is dependent on the economic and social rebuilding of conflict-affected areas. The lack of trained and skilled personnel poses challenges to effecting a speedy recovery and to infrastructure development in the area. In addition, employment opportunities also remain very limited in the north, and development partners tend to rely on manpower from outside the region to implement assistance projects. As a result there are fewer jobs available for locals and children have to drop out of school in order to support household incomes.

7. Throughout the reporting period, the security forces continued to recover weapons, grenades and ammunitions in the Vanni, although weapons are reported to be readily available in the eastern districts of Ampara and Batticaloa. The Government issued several deadlines for the handover of weapons or for reporting them to the security forces. The actual number of weapons collected from persons formerly associated with armed groups remains unknown.

8. On 17 May 2010, President Mahinda Rajapaksa appointed an eight-member Lessons Learned and Reconciliation Commission to report on the facts and circumstances that had led to the failure of the ceasefire agreement operationalized on 21 February 2002 and on the subsequent sequence of events that had occurred until 19 May 2009. Additionally, the Commission was tasked with determining whether any person, group or institution directly or indirectly bore responsibility for the failure and with recommending measures to prevent any repetition of negative actions in the future.[3] The Commission held public hearings in the conflict-affected districts of northern and eastern Sri Lanka and submitted a communication to President Rajapaksa in September 2010. The Government appointed an inter-agency

[1] Human Rights Commission of Sri Lanka, study on the availability of women development officers in conflict-affected areas, June 2011.

[2] The Vanni refers to an area in the Northern Province of Sri Lanka, which covers Mannar, Mullaittivu, Vavuniya and Kilinochchi districts.

[3] As of the date of the present report, the Lessons Learned and Reconciliation Commission has not yet issued its report.

advisory committee chaired by the Attorney General to follow up on the interim recommendations of the Commission. The findings of the Committee are not yet known, and the Government has indicated that the final report of the Commission was issued in the last quarter of 2011.

III. Grave violations of children's rights

A. Recruitment and use of children in armed groups

9. The last reported case of child recruitment in Sri Lanka was said to have occurred in October 2009 and concerned the Tamil Makkal Viduthalai Pulikal (TMVP).[4] There have been no other reported cases owing both to the defeat and disbanding of LTTE, responsible for the majority of the child recruitment cases reported in Sri Lanka, and to the commitments of the Government to prevent and of TMVP and its factions to cease any further recruitment of and of TMVP to release the children it had recruited.

1. Liberation Tigers of Tamil Eelam

10. Since 2002, the United Nations country-level task force on monitoring and reporting documented 6,905 children, including 2,689 girls, forcibly recruited by LTTE. Although previous access had been severely limited, access to witnesses in order to register and verify all cases of recruitment and to advocate for the release of children was no longer available after September 2008. For security reasons, the United Nations Children's Fund (UNICEF) and other partners had to temporarily relocate their operations from Kilinochchi and Mullaittivu districts on 16 September 2008 to Vavuniya since the Government had informed them that it could no longer guarantee their safety. As a result, UNICEF and task force partners were unable to receive information on and verify cases of child recruitment. There are clear indications that in the final phase of the conflict LTTE intensified the forcible recruitment of children, some as young as 9 years of age.[5] Following the end of the fighting and the subsequent screening by the Government of the internally displaced persons population, 594 children, including 201 girls, were identified throughout the north and east of Sri Lanka as having been formerly associated with LTTE.

11. Analysis shows that, at the time of recruitment, 224 children were 17 years old, 187 were 16 years old and a not insignificant number were 14 and 15 years of age.

[4] In the present report, the denomination TMVP also includes the armed branch previously known as the "Karuna faction".

[5] The field visits by the Lessons Learned and Reconciliation Commission provide a number of testimonies concerning child recruitment by LTTE in the final stages of the conflict.

Figure

Source: United Nations country-level task force on monitoring and reporting.

12. The majority of the children had been associated with the armed groups for less than one month (289 cases), although a few children had been associated for a longer period (one case of seven years, two cases of five years and two cases of four years). The whereabouts of 1,373 persons who had been recruited by LTTE when they were children remains unknown. At the present time, no prosecution of LTTE persons allegedly responsible for child recruitment has been initiated. As with data on underage recruitment collected previously, the figures provided by the task force only relate to complaints made by parents of forcible child recruitment. The actual number is most likely much greater.

2. Tamil Makkal Viduthali Pulikal, Karuna faction and Inya Bharathi group

13. Since 2006, the United Nations has documented 597 children recruited by TMVP, including 2 girls. Following the 1 December 2008 signing of the action plan between TMVP, the Government and UNICEF, progress was made, with 122 children released and a slowdown in recruitment. A total of 26 children were recruited after the signing of the action plan, with 20 children reportedly recruited between December 2008 and February 2009. Since then, there has been no evidence of regular or systematic recruitment taking place by TMVP. Nevertheless, the whereabouts of 13 boys who had been recruited by TMVP remain unknown, including 5 who were under 18 years of age at the time of the signature of the TMVP action plan. The latter are believed to remain in the control of the Inya Bharathi group.

B. Abduction of children

14. During the reporting period, no cases of conflict-related abductions were reported. However, it should be noted that all the 594 children reported to have been recruited during the final phase of the conflict between January and May 2009 had been abducted and forcibly recruited.

15. In December 2009, in response to the numerous tracing requests received, the Vavuniya Government agent and the Probation and Child Care Commissioner (Northern Province) jointly established a family tracing and reunification unit for unaccompanied and separated children, with UNICEF support. As of 30 June 2011, 2,564 tracing applications had been recorded by the unit, 676 of which related to children and 1,888 to adults. It is important to note that, according to claims made by parents, 420 of the 676 applicants were related to forced recruitment by LTTE. To date, 78 children have been matched and referred to the probation officers for tracing and verification. A total of 29 (12 males and 17 females) of the 78 children have been reunified with their family members and relatives, and the Government is providing either educational or livelihood support to those children.

C. Incidents of killing and maiming of children

16. Since the Government's declaration of the end of the conflict in May 2009, no further cases of conflict-related killings and maimings have been reported.

17. Between January and May 2009, the United Nations was able to directly verify that 264 children had been killed (including 155 boys and 109 girls) and 164 children maimed (including 96 boys and 68 girls) in the districts of Kilinochchi and Mullaittivu, based on information gathered in the internally displaced persons camps. The vast majority of the children, 97 per cent, had been maimed or killed in Mullaittivu district, and 3 per cent had been maimed or killed in Kilinochchi district. It should be noted the National Child Protection Authority, which has been consulted, has rejected that claim, but has not provided any alternative data. The Authority has requested UNICEF to provide the identities of the interviewees but has not, based on available information, undertaken an independent investigation of its own to date.

18. According to testimonies gathered during the first five months of 2009, children were killed or maimed while they were performing everyday activities outside, such as bathing, collecting water, going to the toilet, walking along the street and visiting the hospital in areas where there was activity between LTTE and the security forces. At other times, they were captured as they were looking for safe cover outside their bunkers/homes during an attack. The percentage of incidents increased significantly during the final days of the conflict, with children being hit by artillery while they were trying to flee from the crossfire between the parties. Multiple such incidents were reported on dates where very large numbers of people were attempting to cross over from LTTE-controlled areas to areas controlled by the security forces (for example, on 20 and 21 April, and on 14 and 15 May).

19. The exact number of children killed or maimed during the first half of 2009 remains unknown. In October 2010, the concluding observations of the Committee on the Rights of the Child on Sri Lanka expressed serious concern that insufficient efforts had been made by Sri Lanka to investigate the deaths of hundreds of children during the last five months of the conflict (CRC/C/LKA/CO/3-4, para. 32). A few months after the end of the conflict, the Special Envoy recognized that, although the extent of the casualties was unknown, the last phase of the conflict had resulted in heavy artillery fire between Government troops and LTTE, including within the "no fire zones", which had caused a significant number of casualties, including children. The Government has asserted, however, that it did not use heavy artillery at any

point during that time. A final report on that stage of the conflict is pending from the Lessons Learned and Reconciliation Commission.

20. In northern Sri Lanka, LTTE launched suicide attacks against fleeing civilians during the final stages of the conflict. On 9 February 2009, the Ministry of Defence claimed that a suicide attack at an internally displaced persons rescue centre, north of Visuamadu, Mullaittivu, had killed an undetermined number of civilians, including children. In the south of the country, children had also been killed as a result of the armed conflict. On 22 February 2009, the Ministry claimed that 12 people had been killed by LTTE in the village of Kirimetiya, including two children. In addition, on 12 April 2009, LTTE had allegedly perpetrated a deadly attack on civilians in Mahagodayaya, near Buttala, killing 12 civilians, including three children aged 1, 7 and 11 years of age. The National Child Protection Authority relayed a case to the United Nations country-level task force on monitoring and reporting concerning a suicide attack against the Sri Lankan Army's 58th brigade by an LTTE cadre believed to have been 13 years of age. The task force has been unable to verify the incident.

21. Children and youth remain at high risk of mine injuries and death owing to the presence of mines and unexploded ordnance. According to a Sri Lankan Army estimate, 1.6 million landmines have been laid in Sri Lanka by LTTE and Sri Lankan security forces, 366,870 of which have been identified to be cleared through military and humanitarian demining. This leaves the country with an estimated 1.23 million mines that have yet to be cleared. Surveys conducted in the Northern Province since the end of the war and existing data from the Eastern Province reveal that, as of 31 August 2010, approximately 552 km^2 have been contaminated by mines and other explosive remnants of war in the Northern Province districts of Mannar, Vavuniya, Mullaittivu, Jaffna and Kilinochchi.

22. Although numbers are relatively low, incidents of children being killed and maimed by explosive remnants of war continue to be reported in northern Sri Lanka. In 2009, the National Mine Action Centre[6] reported 19 incidents affecting 11 children (2 boys were killed, and 8 boys and 1 girl were injured). In 2010, 27 incidents were recorded, in which 21 children were affected (5 boys had been killed and 11 boys and 5 girls had been injured). During the first six months of 2011, 11 incidents had taken place and four child casualties were reported.

D. Attacks on schools and hospitals

1. Military use of schools

23. Between the end of 2008 and the beginning of 2009, 12 schools had been occupied and used by the security forces, negatively affecting the education of at least 6,000 students. The situation improved in 2010 as four schools were vacated by the security forces between January and March 2010. The schools had been used for a variety of purposes, including as barracks for the security forces, as transit sites for displaced persons who had left the internally displaced persons camps but who had been unable to return to their places of origin (mostly as a result of the

[6] The data includes deaths and injuries from victim-activated landmines (anti-personnel and anti-vehicle) and other explosive remnants of war. It does not include victims of attacks using claymore mines, improvised explosive devices or bombs.

presence of mines and explosive remnants of war) or as sites for detaining adult "separatees".[7] As of June 2011, five schools were still occupied by the military (two in Vavuniya district, two in Kilinochchi district and one in Mullaittivu district), interrupting the education of at least 2,000 students. According to the Government, one school is currently in the process of being vacated and another is in an area that is unsafe for return, owing to the presence of landmines.

2. Attacks and military use of hospitals

24. According to public communications made by the International Committee of the Red Cross (ICRC) during the final stages of the conflict to raise awareness about the humanitarian situation, the shelling of hospitals occurred during the first five months of 2009. Reported incidents included four occasions of shelling of the Puthukkudiyiruppu hospital on 1 and 2 February 2009. According to a Committee statement on 2 February, at least nine people had been killed and at least 20 others injured as a result of the first three shellings. In addition, the ICRC findings and observations were shared bilaterally and confidentially with the parties to the conflict in order to improve the situations of persons affected.

25. By the end of June 2011, one hospital and one community health centre remained occupied by the Sri Lankan Army.

E. Grave sexual violence

26. The number of reported incidents indicated below is a combination of events that occurred before and after the 2009 displacement. Many reports have recently come to light. Protection monitoring and participatory assessments suggest that many gender-based violence incidents were not being reported since the displaced and resettled population felt uncomfortable discussing incidents which they felt brought shame onto themselves and their families and communities, and/or might bring retribution against their families. However, reporting of gender-based violence has improved somewhat owing to an extensive network, developed in 2009, of various actors in the internally displaced persons sites, in districts and at hospitals, including the establishment of police desks dealing with women and children, particularly in the Vavuniya internally displaced persons sites. This does not apply to the areas of return in the Vanni, where the presence of Tamil-speaking female officers remains extremely limited, notably in the desks dealing with women and children and, more generally, among probation officers, social services officers, public health staff, United Nations agencies and non-governmental organizations. However, the Government affirms that awareness programmes are being carried out to empower the community to prevent such incidents. This has included the mobilization of female police officers at the desks dealing with women and children to work in "welfare" villages adjacent to their districts. This has also included the mobilizing of women development officers in the Ministry of Child Development and Women's Affairs to work with the internally displaced persons.

27. According to the Department of Probation and Child Care Services and district child development committees, a total of 215 sexual violence incidents involving

[7] Persons identified by the security forces as having been formerly associated with LTTE but not formally charged.

children were reported in 2009 in northern and eastern Sri Lanka, and in 2010, 359 cases of sexual violence against children were recorded. According to the Government, those figures are comparable with figures in other parts of the country.

F. Denial of humanitarian access for children

28. During the first months of 2009, the population inside the conflict zone was displaced multiple times and experienced dwindling supplies of food and basic materials, coupled with high levels of insecurity and little access to humanitarian assistance.[8] LTTE continued to prevent civilians, including children, from leaving the Vanni for Government-held territory until the end of the conflict. In January 2009, the numbers of internally displaced persons included 15 United Nations national staff and 85 of their dependants who were trapped in the "no fire zone". On 22 January 2009, the United Nations issued a statement calling on LTTE to allow for the freedom of movement of civilians trapped in the conflict zone, including United Nations staff and their dependants.[9] The statement was not heeded.

29. Before the final stages of the conflict in 2009, the space for humanitarian activity was reduced as a result of intensified fighting in the north, which caused a substantial influx of internally displaced persons into emergency sites. An accelerated release process from the camps began in the second half of 2010, with the return of internally displaced persons to their districts of origin. Some returned to their homes, while others awaited durable solutions to their displacement and resided with host families or in public buildings.

30. At the end of June 2009, orders were issued by the Ministry of Defence to all commanders of the security forces requiring new clearances to be issued for humanitarian access by all United Nations agencies, international organizations, international and national non-governmental organizations to the conflict areas. The orders included a strict requirement for such clearance, including for any movement to the north by all agency staff and vehicles and within the north by United Nations staff already based there. The presidential task force for resettlement, development and security in the Northern Province[10] officially requested the United Nations not to work with international non-governmental organizations and non-governmental organization partners although it subsequently made exceptions to the directive for some sectors. The process affected various sectors, such as protection, and some livelihood activities. Widespread access by United Nations agencies to the conflict areas improved, although controlled access for non-governmental organizations was restored in early August 2010. However, the presidential task force approval requirement remains in force for implementing assistance programmes in the north. The approval requirement has resulted in delays that have affected, to a considerable extent, the implementation of activities at a critical time in the return process of displaced persons and have had a direct impact on child protection. Child protection projects aimed at supporting communities to prevent, identify and respond to

[8] Office of the United Nations High Commissioner for Refugees, "Sri Lanka", in *UNHCR Global Report 2009: New Threats, New Challenges* (June 2010).

[9] UN News Centre, "UN calls on Tamil rebels to ensure free passage for body's staff".

[10] Created by presidential directive on 7 May 2009. The task force was given authority to prepare strategic plans, programmes and projects to resettle internally displaced persons, and rehabilitate and develop economic and social infrastructure in the Northern Province.

vulnerabilities and issues affecting children were not approved and, as a result, a number of partnerships have been rescinded. However, it should be highlighted that on 1 February 2011, a joint plan for assistance for the Northern Province was signed. It included provisions for child protection implementation through Government institutions. The joint plan assisted in opening up space for humanitarian activity to a degree.

31. Protection monitoring in internally displaced persons sites was not initially authorized by national authorities. When later permitted by the Government, it was at times limited because of restrictions imposed by national authorities on discussions with internally displaced persons and on holding meetings with them. The International Committee of the Red Cross was denied access to the Vavuniya rehabilitation sites after mid-July 2009. It closed its offices in eastern Sri Lanka on 17 July 2009, in accordance with the request of the Government. This had an adverse impact on its activities and on its ability to access the displaced population in those districts.

32. During the reporting period, civil society groups working at the grass-roots level with communities on issues of human rights and child protection experienced increasingly restricted access to affected areas, and their capacity to monitor situations of concern was increasingly limited. The link between Government bodies and civil society weakened significantly.

IV. Dialogue and action plans to redress violations of children's rights

A. Tamil Makkal Viduthali Pulikal

33. Substantial progress was made on the tripartite action plan (TMVP, Government of Sri Lanka and UNICEF) signed in December 2008, with 122 children released and reduced recruitment of children by TMVP. Implementation of the action plan continued throughout the reporting period, with a strong focus on determining the whereabouts of the five outstanding cases, and the reintegration of all of the released children.

34. In June and July 2010, the senior district police officer (District Inspector General) held a meeting with Inya Bharathi, the person allegedly responsible for the recruitment of some of the children and who is currently the Sri Lankan Freedom Party Special Coordinator for Ampara district. The aim of the meeting was to advocate for progress on the release of the children who reportedly remained with his group, and the outstanding cases were discussed in detail. However, other than a commitment to cooperate, no concrete information was obtained by law enforcement authorities. On 30 August 2010, upon the request of the Ministry of External Affairs, the National Child Protection Authority and its special police investigation team conducted a preliminary investigation to determine the whereabouts of the five boys who were reported to have been abducted and forcibly conscripted by TMVP, specifically by Inya Bharathi.

35. The initial investigation, completed on 14 January 2011, constitutes an important attempt to establish the fate of the missing children but does not, as yet, shed light on their whereabouts. This is despite the fact that, according to the report

of the Special Envoy on his mission to Sri Lanka in February 2008, the abductions by the then-Karuna faction occurred in Government-controlled areas. The report also pointed to the fact that the children had spent time in one of several camps of the then-Karuna faction near the town of Welikanda (Polonnaruwa district), located in a Government-controlled area. In addition, the investigation did not yield evidence concerning the involvement of Inya Bharathi or of his connections to the recruitment or abduction of the missing children, but mentioned that a person who called himself "Carder" had carried out the abduction, along with some accomplices. "Carder" was reported to have stated in public that he had shot and killed the boys. Upon further investigation, the National Child Protection Authority police found that "Carder" was an alias and that he had been a former member of LTTE. Karuna had been part of LTTE until it had broken away in 2004 and established TMVP. When talking to local people in the area, the police assigned to the National Child Protection Authority discovered that "Carder" had been involved in illegal and criminal activities, such as abductions for personal monetary gain. He was reported to have had access to money despite having no fixed occupation. There were rumours that he had demanded a ransom from the parents of the boys on the telephone, but the accuracy of this has not been determined. One of the boys who had disappeared had phoned his mother one-and-a-half years after his disappearance and had said that he was in a house in a jungle. Another was recognized eight months after his disappearance by his parents, who had spotted him in a crowd at a public meeting that was broadcast on a local television channel. This information requires verification.

36. The National Child Protection Authority report did not refer to child recruitment in any of its sections but spoke only of forcible abduction of the children, which lowers the level of criminal responsibility. The report concluded with a recommendation that possible further investigations should be carried out on the basis of information provided by the families of the missing boys as well as by former LTTE member "Carder". The report further recommended that death certificates should be issued for such persons, which, in accordance with Sri Lankan law, can be administered only once a person has been missing for over seven years. However, the boys had been abducted and last seen between 2006 and 2009, which is at most five years ago. Subsequent to the investigation, the Secretary of the Ministry of Justice initiated an investigation by the Criminal Investigations Department to follow up the report, ascertain details regarding the abducted boys and identify the perpetrators. The Department subsequently confirmed the facts revealed in the investigation, although no action has been taken against "Carder" to date.

37. The Secretary of the Ministry of Justice held several meetings in Batticaloa with the District Inspector General for Batticaloa, local police officials, a Government agent, local district officials and the magistrate on the issue. It is reported that Inya Bharathi has denied the allegations and continues to do so. As a follow-up to the National Child Protection Authority report, the Secretary of the Ministry of Justice also contacted the Inspector General of Police and initiated a further investigation by the Criminal Investigations Department under the direction of the director (legal) of the police department. The investigation is ongoing. The investigators have met National Child Protection Authority officials to apprise themselves of the details of the initial investigations undertaken by the Authority. To date, no prosecutions have been initiated against persons allegedly responsible for child recruitment.

B. Government of Sri Lanka

38. In 2009 and 2010, the Government of Sri Lanka made clear advances in relation to setting up structures and policies to support its obligations in relation to children associated with armed groups. Two major developments occurred during the period covered by the present report: the implementation of the tripartite action plan signed in December 2008 (as reported above in section IV.A) and the implementation of the emergency regulation issued in December 2008.

39. In 2006, the Government issued an emergency regulation to criminalize offences related to terrorism and to make provisions for the treatment of persons involved in terrorist activities or transactions in the name of national security. The legislation did not include any special provisions for children, but this was resolved, as a result of intensive advocacy and a long, long drafting process, with the issuance of regulation 1580/5 dealing with children formerly associated with armed forces or groups. International organizations and advocacy groups have repeatedly highlighted the shortcomings of the legislation, both in its formulation (including the issue of instituting a de facto administrative detention and not clearly ruling out the possibility of prosecution) and in its implementation (rehabilitation centres are not fully managed by the civilian administration system and are not easily accessed by families in some instances). Nevertheless, regulation 1580/5 has produced important and concrete results in the protection of children associated with armed groups. It clearly caters to children as victims of recruitment instead of criminalizing them for their association with armed groups. As a result, the Government decided in 2008 not to prosecute any child under the age of 18 for "terrorism-related crimes". Family links have been preserved as much as possible and, in general, children have been able to be visited by their parents and to keep in touch with them by mail or telephone. Last, but not least, regulation 1580/5 has afforded children the protection of a legal framework that directly involves the magistrate, who is the only person legally responsible for decisions regarding their rehabilitation.

40. Three rehabilitation centres were established in Sri Lanka: the Ambepussa rehabilitation centre (Kegalle) opened in March 2008 and closed on 15 November 2009, having hosted over 200 children; the Poonthotam Rehabilitation Centre (Vavuniya) opened in July 2009 and closed in April 2010, having hosted 289 children; and the Ratmalana Rehabilitation Centre (Colombo) opened in September 2009 and closed in May 2010, having hosted 255 children. In keeping with regulation 1580/5, the children in the rehabilitation centres received health care, medical examinations, psychosocial counselling, when needed, family visits, physical care and sustenance, assistance in getting identification cards and other documents to which they are legally entitled, and basic education and vocational training. The United Nations had access to the centres, which were under the purview of cadet officers, although there were also a number of civilians who provided education and care. As of 25 May 2010, all children had completed their rehabilitation process and had been released through a magistrate's court order.

V. Visit to Sri Lanka of the Special Envoy of the Special Representative of the Secretary-General for Children and Armed Conflict

41. As announced by the Special Representative of the Secretary-General for Children and Armed Conflict in July 2009, and upon the invitation of the Government of Sri Lanka, Major General (Ret.) Patrick Cammaert visited Sri Lanka from 5 to 11 December 2009 in the capacity of Special Envoy of the Special Representative of the Secretary-General for Children and Armed Conflict. The visit aimed at assessing the impact of the armed conflict on children in Sri Lanka and following up the recommendations of the Working Group. The visit contributed to maintaining the issue of rehabilitating children formerly associated with armed groups firmly on the agenda and to giving an increased focus to the impact of the armed conflict on children, including in regard to such issues as family separation and support for vulnerable families returning to conflict-affected areas.

VI. Need for accountability measures for violations committed against children

42. On a number of occasions, echoing the conclusions of the Working Group on Children and Armed Conflict, the United Nations has emphasized to the Sri Lankan authorities the need to take stock of the use of children as child soldiers and of other abuses committed against children during the conflict. Only with an appropriate process of accountability can reconciliation take place and future violations be deterred. The suffering of the children of Sri Lanka must be well documented as part of the long road to peace in Sri Lanka. The Office of the Special Representative of the Secretary-General on Children and Armed Conflict and all United Nations partners stand ready to assist in such an exercise.

VII. Follow-up and programmatic response to violations

43. In May 2010, all 594 children formerly associated with armed groups identified by the Government at the end of the conflict had completed their rehabilitation process and had returned to their families and communities. For 2010, and continuing into 2011, the plan has been to provide reintegration assistance to 1,108 children (including the 562 who underwent the Government rehabilitation process); 55 per cent of them have already received assistance in the form of education, vocational training or livelihood support. The remaining 45 per cent will be reached by the end of 2011. In line with regulation 1580/5, the Department of Probation and Child Care Services is continuing to monitor the children.

44. In addition to highlighting the limited employment opportunities that exist, the monitoring has showed that at least 250 children formerly associated with armed groups in the north and east of the country are facing a number of security issues. Such issues include being requested to report regularly to nearby military/police posts, visits by military and police/intelligence staff to their houses, arrests by the police, and being required to report and sign in at local military or navy posts before leaving their administrative divisions of residence. Positive steps were taken by the office of the Commissioner General for Rehabilitation in March 2011 to resolve the

issues, such as meeting with some of the children and clearly informing them and their families about what constitutes normal procedure and what constitutes abuse of power. However, close monitoring of and consultation with the children after the meeting has demonstrated that surveillance has often continued and, in some cases, has intensified. In a certain number of cases, former "surrendee" children have been required to receive authorization in order to move out of their place of origin, resulting in the possibility of missed education and job opportunities and running counter to the reintegration goals of normalizing the life of a child formerly associated with an armed group. The Government has claimed, however, that the children are not under any form of surveillance by either the Government or its armed forces.

45. Since 2009, mine-risk education activities have been conducted and are ongoing both in areas of displacement and of return in the districts of Jaffna, Vavuniya, Mannar, Mullaittivu and Kilinochchi. Mine-risk education was conducted in collaboration with national non-governmental organizations and volunteers, the Ministry of Education and the Sri Lankan Army/Humanitarian Demining Unit, reaching 252,953 persons in 2009 and 392,540 in 2010. In March 2010, 64 staff of the Humanitarian Demining Unit were trained on mine-risk education and started conducting related activities. As of the end of March 2011, over 1,400 items of unexploded ordnance had been identified and reported.

46. On 22 December 2009, the Government established a family tracing and reunification unit for unaccompanied and separated children in Vavuniya (Northern Province). As of the end of December 2010, 646 requests to trace missing children had been filed by parents and families. A total of 26 children were traced and are undergoing the process of reunification. Verification of an additional number of cases is in progress. In 2010, unit efforts in this regard included developing a plan to undertake tracing activities in hospitals, children's homes and police posts in all of the nine provinces across Sri Lanka.

47. The physical, emotional and social needs of children displaced multiple times by the conflict in early 2009 are extensive. Children faced recruitment and injury; they witnessed family and friends dying or being injured and experienced significant loss and family separation. To respond to those needs, in 2009 the Ministry of Social Services and Social Welfare deployed trained counsellors to work in the internally displaced persons camps, although in limited numbers. The counsellors were able to provide support and give referrals to more specialized medical services, when needed. Humanitarian actors stepped in to support and enhance the capacity of the communities to better protect themselves and their children and respond to their needs. In 2009, about 200 child friendly spaces were established, covering up to 70 per cent of children in the internally displaced persons camps. Volunteers in those areas conducted play activities (music, dance and drama), provided basic psychosocial support and identified vulnerable children. They also provided awareness on child protection issues to prevent child exploitation, abuse and neglect.

VIII. Recommendations

48. In the light of the above, the Government of Sri Lanka is urged to:

(a) Investigate, as part of national reconciliation, any allegation of violations and abuses against children perpetrated in contravention of applicable national and international law, by all parties during the armed conflict, and ensure that those responsible for the violations are held accountable;

(b) Ensure effective implementation of its "zero tolerance" position on child recruitment, including systematic and vigorous investigations for every reported case, past and present, followed by prosecutions and convictions of responsible perpetrators. The Government should complete the investigation undertaken by the inter-ministerial committee on the complicity between the security forces and TMVP/Karuna in the abduction and recruitment of children;

(c) Expedite follow-up to the National Child Protection Authority report on Inya Bharathi, into whom a Criminal Investigations Department investigation is ongoing and seek to determine why the children cannot be located;

(d) Expedite the vacating of all schools and health-care facilities currently being used to host adult "surrendees" or being used by the military and fully restore their educational and health-care functions;

(e) Strengthen a coordinated and comprehensive child-tracing network in the former conflict areas of the country, launch an investigation to establish the whereabouts of all children who were recruited, including those who are now over 18 years of age and whose fate remains unknown, and continue to facilitate full access by the United Nations and its specialized partners to information sources and allow them full freedom of movement in the north of the country;

(f) Prioritize re-establishing, in collaboration with relevant civil society organizations, child protection services for children affected by the conflict, including psychosocial support, community-based support and social infrastructure, for which the United Nations would be willing to provide assistance;

(g) Plan and develop a comprehensive post-conflict action plan for children that comprehensively addresses outstanding protection and psychosocial issues, with a focus on various groups of children with special needs, including, but not limited to, former children associated with armed forces and groups, formerly displaced children and children who have lost one or both parents in the conflict.